Serial No.: 10/601,687 PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.

10/601,687

**Filed** 

June 23, 2003

**Attorney Docket:** 

M02A442

Title

METHOD AND APPARATUS FOR SELF-CONFIGURING

SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FOR DISTRIBUTED CONTROL

To:

Derek L. Woods - Petitions Attorney

Director for Patents

PO Box 1450

Alexandria, VA 22313-1450

## Request for Reconsideration of Petition Under 37 CFR 1.47(a)

Dear Sirs:

The present request is being filed along with a petition to revive an abandoned application. Upon revival of this application, reconsideration of the petition under 37 CFR 1.47(a) is respectfully requested.

The previous petition was denied because it was surmised by the Petitions Attorney that the non-signing inventor had not been provided with a copy of the application papers (specification, claims and drawings). This would appear to be based on the statement in the petition that "the Declaration and Assignment were sent to the inventor Winterfeldt on three different occasions". While it is true that this sentence in the petition did not include the words "application papers", the fact that full application papers were provided is abundantly clear by simple examination of the copy of the cover letter dated July 31, 2003 sent to inventor Winterfeldt.

## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient/postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on: 47, 2004

PHYLLIS SKROK

Printed name of person signing this certificate

Signature of person mailing

Serial No.: 10/601,687 PATENT

In particular, the cover letter specifically notes that a "copy of the above-referenced patent application" was enclosed. Therefore, it is clear that the proof necessary under 37 CFR 1.47(a) was provided.

In order to clearly comply with the requirements of 37 CRF 1.47(a), it is respectfully submitted that:

- The inventor Winterfeldt refused to sign the Declaration and Assignment after being presented with the application papers (specification, claims and drawings) as evidenced by the cover letter dated July 31, 2003, a copy of which is attached herewith.
- 2) The Declaration and Assignment from inventor Russell was submitted with the original petition and was accepted by the Petitions Attorney.
- The appropriate petition fee is authorized to be paid. However, it is respectfully requested that the requirement for this petition fee be waived in light of the above showing that all necessary items were provided with the original petition. Further it is noted that the Petitions Attorney has indicated that all items, except proof that the non-signing inventor was presented with application papers, have been provided. This includes the petition fee. Therefore, it is believed that no further petition fee is required for this Reconsideration and it is respectfully requested that any such requirement be waived and that no petition fee be charged at this time.
- 4) The last known address for inventor Winterfeldt is as follows:

Mr. Charles Winterfeldt

10195 Bell Avenue

Plato, MN 55370

It has been shown that all necessary items for granting the Petition were met. In particular the non-signing inventor was provided with "application papers" as clearly evidenced by the supplementary documents sent with the original Petition. In this light it is submitted that the abandonment of the present application was in error and that no revival is necessary. Therefore, it is respectfully requested that the revival fee authorized

Serial No.: 10/601,687 PATENT

to be paid in the accompanying Petition to Revive, not be charged or refunded as applicable.

In light of the above, granting of this Petition under 37 CFU 1.47(a) is respectfully requested and it is further respectfully requested that the present application be further processed and examined.

Respectfully submitted,

David A. Hey

Reg. No.: 32,351

Attorney for Applicant (s) TEL: (908) 771-6385

FAX: (908) 771-6159

Date: Sept 17, 2004
The BOC Group, Inc.

Legal Services-IP 575 Mountain Avenue

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100 Mountain Avenue Murray Hill New Jersey 07974-2064 USA

Tel: 908-665-2400 Fax: 908-771-6159

July 31, 2003

Mr. Charles M. Winterfeldt 10195 Bell Avenue Plato, MN 55370

RE: U.S. Patent Application No. 10/601,687

Filed: June 23, 2003

Entitled: Method And Apparatus For Self-Configuring Supervisory Control And Data

Acquisition (SCADA) System For Distributed Control

Case: M02A442

Dear Mr. Winterfeldt:

Enclosed please find a copy of the above-referenced patent application for the invention of which you are a co-inventor. Also enclosed for your execution is an inventor's Declaration to be signed (and dated) by you in blue ink; (b) an Assignment which you should please sign on the same date that you sign (and date) the Declaration, and (c) a Power of Attorney or Authorization of Agent which you should also please sign and date.

Please review the application carefully and make sure that you agree with it's contents prior to executing the Declaration.

If there are no changes to be made, read the Declaration carefully, paying particular attention to the fact that, by signing the Declaration, you acknowledge the following:

- a) To the best of your knowledge, you are the first and true inventor of the subject matter of the patent application.
- You owe the highest duty of candor and good faith in your dealings with the Patent and Trademark Office, and in discharge of this duty, you must disclose to the Patent and Trademark Office any information of which you are aware that is "material to examination of this application" as defined in the attached 37 CFR Section 1.56. Such information is material when, at least in part, there is a substantial likelihood that a patent examiner would consider it important in deciding whether the subject matter of the present application is patentable.

After these steps have been taken, please sign (and date) the Declaration.

The Assignment should be signed by you <u>and notarized</u> at the same time that you sign and date the Declaration.

The Power of Attorney or Authorization of Agent should be signed and dated by you.

Please return the application copy with the <u>signed</u> Declaration, <u>signed</u> Assignment and <u>signed</u> Power of Attorney. The extra copy of the application is for your records.

On behalf of BOC Edwards, thank you once again for your submittal of the above-referenced invention record. Your interest in creating new ideas and willingness to formally document them are greatly appreciated. If you should have any questions, please feel free to telephone me.

Sincerely yours,

Ira Lee Zebrak, Esq

Senior Counsel - Intellectual Property

rate lebest

Legal Services

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Assistant: Ms. Betty Lee (908) 771-6481

Enclosures
Declaration (w/application attached)
37 CFR Section 1.56

Assignment

Power of Attorney or Authorization of Agent

Application